

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

RAQUEL RUTH MORENO
Plaintiff,

vs.

BLUESTONE ASSET MANAGEMENT,
LLC, RAYBEC CROSSING COURT, LLC,
AND RAYBEC CROSSING NORTH, LLC
Defendants

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CASE NO. 7:19-cv-176

JURY DEMANDED

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant **BLUESTONE ASSET MANAGEMENT, LLC** files this Notice of Removal pursuant to 28 U.S.C. § 1446(a) and personally shows the Court the following:

I. FACTUAL BACKGROUND

1. On or about August 19, 2016 Plaintiff executed a lease agreement leasing apartment 8 at 1401 West Dove Avenue, McAllen, Texas 78504, beginning 18th of August 2016 ending at midnight on the 31st of August 2017.
2. Plaintiff alleges that that she slipped and fell while walking the stairs to enter her Crossings Apartment 1401 W. Dove Ave, Apt. #8, McAllen Texas, injuring her right knee and sustained damages as a result. While Plaintiff has not indicated the date the alleged incident took place, it is the Removing Defendant Bluestone Asset Management, LLC's belief that it occurred on or about April 23, 2017.
3. Removing Defendant Bluestone Asset Management, LLC is an Illinois incorporated with its principal place of business is 7855 Gross Point Road, Unit F, Skokie, Illinois 60077 who manages Crossing Apartments located at 1401 West Dove Avenue, McAllen, Texas

78504. Removing Defendant Bluestone Asset Management, LLC does not have a principal place of business in the State of Texas.

II. PROCEDURAL BACKGROUND

4. On or about April 15, 2019, Plaintiff filed Plaintiff's Original Petition in the matter styled *Raquel Ruth Moreno v. Bluestone Asset Management, LLC, Raybec Crossing Court, LLC and Raybec Crossing North, LLC*; Cause No. C-1682-19-H; In the 389th Judicial District Court, Hidalgo County, Texas. Defendant Bluestone Asset Management received the citation and petition on April 19, 2019. Defendant Bluestone Asset Management, LLC files this Notice of Removal within the thirty-day time period required by 28 U.S.C. §1446(b).
5. Attached hereto as Exhibit "A" is the Index of Matters Being Filed. A copy of the Hidalgo County Clerk's file for this case is attached as Exhibit "B", which includes true and correct copies of all executed process, pleadings and orders, and a copy of *Defendant's Original Answer*. Attached hereto as Exhibit "C" is the List of All Counsel of Record.

III. BASIS FOR REMOVAL

6. Federal jurisdiction is proper in this case because diversity jurisdiction between the parties exists and this removal is timely. Under 28 U.S.C. § 1441(a), "any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. " Under 28 U.S.C. § 1332(a), district courts have "original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between ... citizens of different States."

7. The amount alleged to be in controversy greatly exceeds \$75,000.00. Plaintiff's Original Petition clearly states that Plaintiff seeks "monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees." *See* Plaintiff's Original Petition. This evidence clearly demonstrates that the amount in controversy in this case exceeds the amount required to support federal jurisdiction.
8. The parties to this action are residents of different states for removal purposes.
9. Plaintiff is, and was at the time the lawsuit was filed, a citizen of the State of Texas who resides in Hidalgo County, Texas. *See*, Plaintiff's Original Petition, Exhibit B.
10. Defendant, Bluestone Asset Management, LLC, was, and at the date of this Notice remains, an Illinois incorporated with its principal place of business is 7855 Gross Point Road, Unit F, Skokie, Illinois 60077. Removing Defendant Bluestone Asset Management, LLC does not have a principal place of business in the State of Texas. *See*, Plaintiff's Original Petition, Exhibit B.

IV. THE REMOVAL IS PROCEDURALLY CORRECT

11. Defendant Bluestone Asset Management, LLC was first served with the petition on April 19, 2019. Defendant Bluestone Asset Management, LLC files this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b), after having received information sufficient to determine that the case was removable and being served with the Plaintiff's Original Petition.
12. Venue is proper in this district under 28 U.S.C. §1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to the Plaintiff's claim allegedly occurred in this district.

13. Pursuant to 28 U.S.C. §1446 (a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.
14. Pursuant to 28 U.S.C. §1446(d), promptly after Defendant Bluestone Asset Management, LLC files this Notice, written notice of the filing will be given to Plaintiff, the adverse party.
15. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of Hidalgo County, promptly after Defendant Bluestone Asset Management, LLC files this Notice.

V. CONCLUSION

16. Removing Defendant Bluestone Asset Management, LLC is nonresident limited liability company and an Illinois incorporated with its principal place of business is 7855 Gross Point Road, Unit F, Skokie, Illinois 60077. For these reasons, this case has been properly removed to this Court from the 49th Judicial District Court of Zapata, Texas, based on diversity jurisdiction.

VI. PRAYER

17. For the foregoing reasons, Defendant **BLUESTONE ASSET MANGEMENT, LLC** requests the Court remove the action to this Federal Court and place this case on the docket of the United States District Court for the Southern District of Texas, McAllen Division.

Respectfully submitted,

BROCK ♦ GUERRA
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ATTORNEYS FOR DEFENDANT
BLUESTONE ASSET MANAGEMENT, LLC

CERTIFICATE OF SERVICE

I do hereby certify that on the 20th day of May, 2019, I electronically filed ***Defendant's Notice of Removal*** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Ricardo A. Rodriguez
Attorney at Law
7001 N. 10th St., Suite 302
McAllen, Texas 78504

Fax No. 956/686-5350
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/s/ John A. Guerra
JOHN A. GUERRA